

REMARKS/ARGUMENTS

Favorable consideration of this application is respectfully requested.

Claims 1, 4, 6, 7, 11-15, and 18-20 are pending in this application. Claims 2, 3, 5, 8-10, 16, and 17 have been canceled without prejudice or disclaimer. Independent Claims 1, 6, 7, 11, 12, and 18 have been amended to incorporate the subject matter from various ones of canceled Claims 2, 3, 5, 8-10, 16, and 17, while being amended in accordance with the specification disclosure of programs with a same instruction set appearing at page 12, lines 12-14, for example.

In addition, new dependent method Claims 19 and 20 have been added that closely parallel amended dependent apparatus Claims 4 and 13.

Accordingly, it is respectfully submitted that these claim amendments and newly added claims do not introduce any new matter.

The outstanding Official Action presented a rejection of Claims 1, 2, 4, 6-8, and 11 under 35 U.S.C. §103(a) as being unpatentable over Belu (U.S. Published Patent Application No. 2002/0033762) in view of Videcrantz et al. (U.S. Patent No. 6,275,588, Videcrantz), a rejection of Claims 12, 15, 16, and 18 under 35 U.S.C. §103(a) as being unpatentable over Belu in view of Videcrantz and Gabon (U.S. Patent No. 5,943,421), and a rejection of Claims 3, 5, and 9 under 35 U.S.C. §103(a) as being unpatentable over Belu in view of Videcrantz and further in view of Winzip 8.0.

Before considering the prior art based rejections, it is believed that a brief summary of the common subject matter contained in each of independent Claims 1, 6, 7, 11, 12, and 18 would be helpful. In this regard, the common subject matter of these independent claims makes it clear that the programs that are compressed together and then encrypted must each have the same instruction set and that at least auxiliary data indicating a total number of the individual programs that were combined and compressed and a size of each of the combined

and compressed individual programs must also be encrypted or that this encrypted data is decrypted along with decrypting this auxiliary data.

Turning to the rejections applied as to canceled Claims 2, 3, 5, 8-10, 16, and 17 under 35 U.S.C. §103(a) as being unpatentable over Belu in view of Videcrantz, as being unpatentable over Belu in view of Videcrantz and Gabon, and as being unpatentable over Belu in view of Videcrantz and further in view of Winzip 8.0, these rejections are clearly moot in view of this cancellation of these rejected claims.

The rejections applied as to Claims 1, 4, 6, 7, 11-15, and 18 all rely on Belu as the primary reference. However, the multiple **FILES** of Belu are not taught or suggested to be programs and the conjecture in the outstanding Action that these files could be executable files because the term “file” is simply alleged to “encompass an executable file” is not the required showing of evidence of motivation to use such an executable file. Also, simply because a term “is broad enough” to encompass subject matter not actually disclosed by a patent, that does not incorporate this undisclosed subject matter into the technical disclosure thereof. See *In re Benno*, 768 F.2d 1340, 226 USPQ 683 (Fed. Cir. 1985)(“A patent discloses only that which it describes, whether specifically or in general terms, so as to convey intelligence to one capable of understanding.”).

Moreover, each of the independent claims have been amended to require the programs that are combined and compressed and then encrypted or that are decrypted and decompressed to be **programs that each include a same instruction set**, and there is no hint of this commonality of instruction set that is taught or suggested by any of Belu, Videcrantz, Gabon, and/or Winzip 8.0. As noted at page 12, lines 12-14 of the specification, this inclusion of a common instruction set is important because it improves the compression rate.

As none of the applied references teach all the subject matter of Claims 1, 4, 6, 7, 11-15, and 18, the rejections applied to these claims as being unpatentable under 35 U.S.C. §

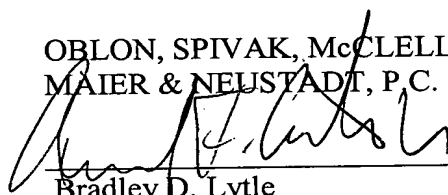
Application No. 10/743,088
Reply to Office Action of 12/21/2006

103(a) are traversed. Moreover, as new Claims 19 and 20 depend from Claims 6 and 18, respectively, these new claims are respectfully submitted to define over the applied references for the same reasons that Claims 6 and 18 do.

As no further issues are believed to remain outstanding in the present application, it is believed that this application is clearly in condition for formal allowance and an early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Raymond F. Cardillo, Jr.
Registration No. 40,440